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4 Attorneys for Defendant RDI VIDEO SYSTEMS, INC.

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FILED  
BUSINESS DIVISION

FEB 27 4 21 PM '85

CLERK'S OFFICE, SAN DIEGO COUNTY  
CIRCUIT CLERK, SAN DIEGO, CALIFORNIA

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SUPERIOR COURT FOR THE STATE OF CALIFORNIA.

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COUNTY OF SAN DIEGO

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MURAKAMI-WOLF-SWENSON, ) Case No. 532481  
a California corporation. )  
Plaintiff. ) ANSWER TO UNVERIFIED  
 ) COMPLAINT  
V. )  
RDI VIDEO SYSTEMS, )  
a California corporation and )  
DOES I through XX, inclusive. )  
Defendants. )  
\_\_\_\_\_  
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GENERAL DENIAL

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Pursuant to C.C.P. §431.30(d), Defendant RDI VIDEO SYSTEMS.  
INC. generally denies each and every allegation contained in the  
complaint filed by Plaintiff MURAKAMI-WOLF-SWENSON ("the  
complaint").

23

FIRST AFFIRMATIVE DEFENSE

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The allegations of the complaint fail to set forth facts  
sufficient to state a cause of action for relief against this  
answering defendant.

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SECOND AFFIRMATIVE DEFENSE

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Plaintiff is, by its conduct prior to the filing of this

1 action. estopped from recovering under any of the causes of  
2 action advanced by the complaint.

3                   THIRD AFFIRMATIVE DEFENSE

4 Plaintiff lacks the capacity to bring suit in this action.

5                   FOURTH AFFIRMATIVE DEFENSE

6 Defendant is entitled to set off from any and all amounts  
7 allegedly due to plaintiff an amount which is in excess of the  
8 total sum of plaintiff's claims.

9                   FIFTH AFFIRMATIVE DEFENSE

10 Plaintiff did not exercise due care, caution and prudence  
11 in the care of the property and activity at the time and place of  
12 the occurrences and events alleged in the complaint, and the  
13 damages, if any, which plaintiff claims were proximately caused  
14 by or attributable to the negligence or lack of care of the  
15 plaintiff, and by reason of the foregoing plaintiffs are barred  
16 from any recovery herein.

17                   SIXTH AFFIRMATIVE DEFENSE

18 Plaintiff has engaged in conduct and activity sufficient to  
19 constitute a waiver of any alleged breaches of contract,  
20 negligence, or intentional misconduct, if any, by defendant as  
21 set forth in the complaint.

22                   SEVENTH AFFIRMATIVE DEFENSE

23 Plaintiff has failed to take adequate steps to mitigate,  
24 alter, reduce or otherwise diminish, the damages, if any, alleged  
25 in the complaint, and by reason of the foregoing, plaintiff is  
26 barred from any recovery herein.

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1                   **EIGHTH AFFIRMATIVE DEFENSE**

2                   Defendant incorporates by reference as though set forth  
3 fully herein all of the claims and causes of action alleged in  
4 its Cross-Complaint for Breach of Contract and Conversion filed  
5 concurrently herewith, and asserts the same, including all rights  
6 of offset created thereby, as affirmative defenses to the  
7 complaint.

8                   WHEREFORE, defendant prays for judgment as follows:

- 9                   1. That plaintiff take nothing by the complaint and that  
10 judgment be rendered for defendant;  
11                   2. For costs of suit herein incurred; and  
12                   3. For such other relief as the court deems proper.

13  
14 Dated: Feb. 27, 1985

ROBBINS & KEEHN

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